

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER L. TIBBS,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:20-cv-6-SPB-RAL
)	
FCI McKEAN,)	
)	
Respondent.)	

MEMORANDUM ORDER

The petition for a writ of habeas corpus in this case was received by the Clerk of Court on January 14, 2020 and was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation (“R&R”) in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), Federal Rule of Civil Procedure 72(b), and the Local Civil Rule 72(D). ECF No. 1. Petitioner Christopher L. Tibbs (“Tibbs”) is a federal inmate, currently housed at FCI-McKean, who is proceeding in this action *in forma pauperis*. ECF No. 4. His petition for relief under 28 U.S.C. §2241 was formally filed of record on April 9, 2020. ECF No. 5. Respondent filed an answer and supporting exhibits on July 7, 2020. ECF Nos. 11, 12. Tibbs filed a reply on July 27, 2020. ECF No. 13.

In his petition, Tibbs challenges his loss of good time credit, which resulted from an incident in which he was found to have been in possession of a Schedule I controlled substance. Specifically, Tibbs argues that he was denied due process in that: (1) his Discipline Hearing Officer (“DHO”) was not an impartial decision maker; (2) the DHO refused to preserve or review the video footage of the incident; (3) FCI McKean staff did not follow BOP policy with respect to chain of custody; and (4) the Unit Discipline Committee did not hold Petitioner’s

initial hearing within five days of the violation, in contravention of FCI McKean's program statement. ECF No. 5.

On October 22, 2021, Magistrate Judge Lanzillo issued an R&R recommending that the Tibbs' §2241 claims be denied. ECF No. 14. Judge Lanzillo opined that: Tibbs had failed to present any evidence of bias on the part of the DHO; Tibbs' claim that video evidence was not available and/or had not been considered by the DHO was belied by the record; there was evidence in the record to support the DHO's determination that Tibbs had committed the offense charged; Tibbs failed to demonstrate that prison staff violated internal prison policies; and, in any event, Tibbs had received all of the process to which he was entitled under *Wolff v. McDonnell*, 418 U.S. 539, 563-67 (1974).

Objections to the Report and Recommendation were due to be filed no later than November 8, 2021. To date, no objections have been filed.

After *de novo* review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

NOW, this 15 day of November, 2021, IT IS ORDERED that the within petition for writ of habeas corpus, ECF No. [5], shall be, and hereby is, DENIED.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lanzillo, issued on October 22, 2021, ECF No. [14], shall be, and hereby is, adopted as the opinion of this Court.

As there are no further matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."



SUSAN PARADISE BAXTER
United States District Judge

cm: Christopher L. Tibbs
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The Honorable Richard A. Lanzillo
(via CM/ECF)